

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SJ D.C.
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CLERK U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

FEDERAL DEPOSIT INSURANCE)
CORPORATION, As Receiver for the)
BANK OF ALAMO,)

Plaintiff,)

VS.)

No. 04-1028-T/An

PEGGY S. HOOPER,)

Defendant.)

ORDER SETTING ASIDE JUDGMENT

The Court issued an order on September 12, 2005 granting the Federal Deposit Insurance Corporation's ("FDIC") motion for summary judgment. That order allowed the FDIC to submit additional evidence, within twenty days, regarding the amount of accrued interest, costs and attorney fees. Defendant Peggy Hooper was given twenty days to respond.

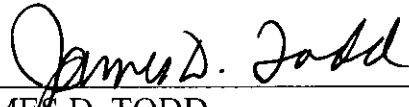
On October 3, 2005, the FDIC submitted evidence regarding the amount of legal fees and expenses, but offered no evidence regarding the interest accrued. The defendant filed no response. Consequently, on November 9, 2005, the Court issued an order directing the Clerk of Court to prepare a judgment in the amount of \$1,281,230.59, representing the amount of the deficiency plus attorney fees and expenses. The judgment was filed on

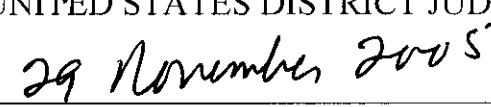
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November 15, 2005 and formally entered on the docket on November 18, 2005.

Apparently prior to receiving the judgment entered by the Court,¹ the parties prepared a joint "Motion Seeking Entry of Final Judgment" indicating that they had agreed on the specific terms of a final judgment, which included a compromise of the amount outstanding. The Clerk received and filed that motion, accompanied by a proposed Order Granting Final Judgment, on November 21, 2005.

As the Court has approved the Order Granting Final Judgment agreed upon and submitted by the parties, the judgment entered earlier (dkt. #63) is hereby SET ASIDE. IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE

¹ Notwithstanding the specific instructions set out in the September 12, 2005 order, the parties failed to inform the Court that they were working on a compromise regarding the amount of the judgment. Counsel appears to have mistakenly believed that the taxation of cost hearing to be conducted by the Court Clerk on November 29th was to be a hearing before the Court regarding the amount of the judgment.



Notice of Distribution

This notice confirms a copy of the document docketed as number 66 in case 1:04-CV-01028 was distributed by fax, mail, or direct printing on December 2, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT